

### **Amendments to the Claims**

1-35. (Canceled)

36. (Currently amended) A method of ~~obtaining fetal tissue in utero while maintaining viability of the fetus and of the fetal tissue obtained using body tissue~~, said method comprising the steps of cutting the fetal tissue from the fetus by inserting a flexible removal apparatus into a donor through a percutaneous incision, guiding the removal apparatus to a desired location within the donor's body, separating portions of fetal tissue from other portions of the donor, and moving the separated portions of fetal tissue along a passage in the removal apparatus by suction, maintaining the sterility of the removed separated portions of fetal tissue for harvesting and transplantation, and implanting the separated portions of fetal tissue in a patient.

37. (Canceled)

38. (Currently amended) The method of claim [[36]] 57 wherein rotating motion is used to ~~cut~~ separate the portions of fetal tissue.

39. (Currently amended) The method of claim [[36]] 57 wherein a reciprocating motion is used to ~~cut~~ separate the portions of fetal tissue.

40. (Previously presented) The method of claim 36 further comprising the step of irrigating the fetal tissue.

41. (Currently amended) The method of claim 40 wherein the step of irrigating and the step of applying suction the irrigation and suction alternate alternates.
42. (Currently amended) The method of claim 40 wherein ~~the irrigation~~ steps of irrigating and the step of applying suction occur substantially simultaneously.
43. (Previously presented) The method of claim 36 wherein the passage includes a filter.
44. (Canceled)
45. (Canceled)
46. (Currently amended) The method of claim [[45]] 36 wherein the bone growth promoting substances are hydroxyapatite or tricalcium phosphate prior to implantation, the separated portions of fetal tissue are combined with a material selected from the group consisting of tissue grafts, collagen, and bone growth promoting substances.
47. (Currently amended) The method of claim 36 wherein an adhesive element is added to the separated portions of fetal tissue prior to implantation.
48. (Previously presented) The method of claim 47 wherein the adhesive element is blood or fibrin.
49. (Currently amended) The method of claim 36, further comprising adding the separated portions of fetal tissue to a biodegradable material, and implanting the separated portions of fetal tissue in a patient prior to implantation.

50. (Currently amended) The method of claim 36 further comprising adding the separated portions of fetal tissue to a polymer prior to implantation.

51. (Canceled)

52. (Canceled)

53. (Previously presented) The method of claim 36 wherein cutting is performed through a cannula.

54-56 (Canceled)

57. (Currently amended) The method of claim 36 wherein the apparatus comprises a flexible shaft, a cutting tip mounted on a distal portion of the flexible shaft, and drive means connected in force-transmitting relationship with the flexible shaft for transmitting force to move the cutting tip and wherein cutting with the cutting tip separates the portions of fetal tissue from the other portions of the donor.

58. (Canceled)

59. (Previously presented) The method of claim 57 wherein the flexible shaft includes a flexible inner member which is rotatable about a central axis of the shaft and an outer member which extends along and encloses the inner member.

60. (Previously presented) The method of claim 59 wherein the outer member has greater rigidity than the inner member.

61. (Previously presented) The method of claim 60 wherein the passage is located between the inner and outer members.

62-65. (Canceled)

66. (New) The method of claim 57 wherein the cutting tip includes aspiration openings located on an outer periphery of the cutting tip and spaced from a distal end of the cutting tip, the aspiration openings in fluid communication with the passage.

67. (New) The method of claim 36 wherein the separated portions of fetal tissue are harvested and transplanted into the body from whom the tissue was removed.

68. (New) A method of using body tissue, said method comprising the steps of moving at least a portion of a shaft of an elongate member through a percutaneous incision in a donor such that a leading end of the shaft is located within cortical confines of a bone; removing body tissue from the donor through the percutaneous incision, wherein the removed body tissue is removed from within the bone, contains viable cells, and is substantially free of hard bone; conveying the removed body tissue along a passage in the shaft under the influence of suction; and implanting at least one component of the removed body tissue in a patient, wherein the at least one component includes viable cells and is maintained sterile until implantation.

69. (New) The method of claim 68 wherein the step of removing body tissue includes controlling position of the leading end of the shaft, the shaft flexible such that the leading end is movable along a nonlinear path.

70. (New) The method of claim 68 wherein prior to implantation the at least one component of the removed body tissue is combined with a material selected from the group consisting of tissue grafts, collagen, antibiotics, and a bone growth promoting substance.

71. (New) The method of claim 70 wherein the bone growth promoting substance is hydroxyapatite or tricalcium phosphate.
72. (New) The method of claim 68 wherein an adhesive element is added to the at least one component of the removed body tissue.
73. (New) The method of claim 72 wherein the adhesive element is blood or fibrin.
74. (New) The method of claim 68 further comprising the step of adding the at least one component of the removed body tissue to a polymer.
75. (New) The method of claim 68 wherein at least one of the steps of removing and implanting is performed through a cannula.
76. (New) The method of claim 68 wherein at least one of the steps of removing and implanting is performed under endoscopic, arthroscopic, or fiber optic guidance.
77. (New) The method of claim 68 wherein the donor is the patient.
78. (New) The method of claim 68 wherein the at least one component of the removed body tissue is separated from the removed tissue by using a filter.
79. (New) The method of claim 78 wherein the at least one component of the removed body tissue is implanted with a retainer.